

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/559,855		
	Filing Date	December 7, 2005	
	First Named Inventor	Paul J. Coleman	
	Art Unit	To be determined	
	Examiner Name	To be determined	
Total Number of Pages in This Submission	-	Attorney Docket Number	21358P

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
Remarks - Explanation of Relevance of Non-English Documents Under 37 C.F.R. 1.98(a)(3)(i) - 4 references enclosed		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name	David A. Muthard	Registration No. (Attorney/Agent)	35,297
Signature		Date	3/27/2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this date: 3/27/2006			
Typed or printed name	David A. Muthard		
Signature		Date	3/27/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Paul J. Coleman, et al.

Serial No. 10/559,855

Filed: December 7, 2005

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Date 3/27/06

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: David A. Muthard

Attorney _____ For Applicant(s)

Reg. No. 35,297

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

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Date: March 27, 2006

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Application Number	10/559,855
Filing Date	December 7, 2005
First Named Inventor	Paul J. Coleman
Group Art Unit	To be determined
Examiner Name	To be determined
Attorney Docket Number	21358P

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of

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Attorney Docket Number 21358P

[illegible][illegible]Date
Considered

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[illegible]

Examiner Signature		Date Considered	
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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul J. Coleman, et al.

Serial No.: 10/559,855 Case No.: 21358P

Filed: December 7, 2005

For: MITOTIC KINESIN INHIBITORS

Art Unit:
To be determined

Examiner:
To be determined

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37 C.F.R.
1.98(a)(3)(i)

Sir:

Applicants respectfully note that two (2) of the documents listed on the USPTO 1449 form submitted herewith are not in the English language and a copy of English translations of those documents are not within the possession, custody or control of Applicants, and, to the Applicants knowledge, are not readily available. Below is a concise explanation of the relevance of those non-English documents:

The French language publication in *Bull. Soc. Chim. Fr.* discloses 1,3-diphenyl 1,2-dehydropyrrolizidines and 1,3-diphenyl 1,2-dehydroindolizidine compounds. No specific therapeutic use is described for the compounds disclosed in the publication, although it is noted that the fused ring systems are the core structures in a number of alkaloid compounds.

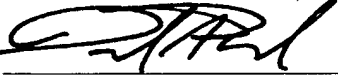
The German language scientific publication in *Arch. Pharm.* discloses the synthesis of 1,2-diphenyl-3-oxo-1,2-dehydropyrrolizidines compounds. The compounds are synthesized by sodium periodate oxidation of 6,7-diphenyl-2,3-dihydro-1H-pyrrolizine, which is described as an anti-inflammatory compound.

The instant invention discloses certain 1,2 -dehydroindolizidine compounds which optionally incorporate one or more additional ring heteroatoms. The instantly claimed compounds are inhibitors of the mitotic kinesin KSP and are useful in the treatment of cancer.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY:  DATE: 3/27/06

Respectfully submitted,

By: 

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Date: March 27, 2006